

REMARKS

Prior to entry of this Amendment, Claims 1-13 and 15-25 were pending and under consideration. With this Amendment, Claims 19, 22, 23 and 25 have been amended, and Claims 26-37 have been added. Claims 1-13, 15-18 and 20 have been cancelled without prejudice against their reintroduction into this or one or more timely-filed related applications. Thus, after entry of this Amendment, Claims 19 and 21-37 are pending and under consideration.

The Amendments of the Claims

Claims 1-13, 15-18 and 20 have been cancelled.

Claim 19 has been amended to include an embodiment in which a “U” shaped clip is attached to the thimble. Basis for this amendment is found in the specification at page 6, lines 14-20, and in FIG. 1. Claim 19 has also been amended to more clearly describe the attachment of the blade to the thimble. Basis for this amendment is found in the specification at page 8, lines 8-14. The words “of a type with” have also been deleted from Claim 19.

Claim 22 has been amended to more clearly describe the attachment of the blade to the thimble. Basis for this description is found in the specification at page 8, lines 8-14. The word “acts” has been replaced by the word “steps”.

Claim 26 recites the limitation that the “U” shaped clip of Claim 19 comprises spring metal. Basis for this description is found in the specification at page 7, lines 4-5.

Claim 27 recites the limitation that the thimble of Claim 22 comprises a sewing thimble. Basis for this limitation is found in the specification in FIG. 1 and in Claim 17 as originally filed.

Claim 28 recites the limitation that the thimble of Claim 22 comprises metal. Basis for this limitation is found in the specification at page 6, lines 21-22 and in Claims 13 and 16 as originally filed.

Claim 29 recites the limitation that the thimble and the blade of Claim 22 as being made of metal. Basis for this limitation is found in Claim 20 as originally filed, and at page 6, lines 21-22.

Claim 30 describes the thimble of Claim 22 as including a “U” shaped clip. Basis for this limitation is found at page 6, lines 14-20 and in FIG. 1.

Claim 31 recites the limitation that the “U” shaped clip of Claim 30 comprises spring metal. Basis for this description is found in the specification at page 7, lines 4-5.

Claim 32 describes the spring metal of Claim 31 as comprising spring steel. Basis for this limitation is found in the specification at page 7, lines 4-5 and in Claim 14 as originally filed.

Claim 33 provides a description of an embodiments of the blade. Basis for this description is found in the specification at page 4, lines 20-21.

Claim 34 describes the tool of Claim 22 as further including means for crimping a split shot. Claim 35 recites an embodiment of the means of Claim 34. Basis for these Claims is found in the specification at page 6, lines 16-17 and in FIG. 1.

Claim 36 recites an embodiment of a tool which includes means for crimping a split shot. Claim 37 recites an embodiment of the means of Claim 36. Basis for these claims is found in the specification at page 6, lines 16-17 and in FIG. 1.

Throughout the claims, for clarification and consistency, the word “including” (or derivative) has been replaced by the word “comprising” (or derivative thereof), there being no difference in the meaning or scope of these terms.

All of the amendments and claims are supported throughout the specification and claims as originally filed. For certain claims, specific pages and line numbers where support may be found are provided above. Support for the remaining claims derives from the corresponding claims as originally filed. Accordingly, the amendments do not present new matter and entry is proper.

Rejection of Claims 19 and 21-25 Under 35 U.S.C §112, Second Paragraph

Claims 19 and 21-25 stand rejected under 35 U.S.C §112, second paragraph, as allegedly being indefinite. The Examiner alleged that the words “of a type which” rendered Claim 19 vague and indefinite. This phrase has been deleted by amendment.

In Claims 19 and 22, the recitation of the attachment of the blade to the thimble was alleged to be vague and indefinite. In Claim 19 and 22 as amended, the position at which the blade is attached is recited before reciting where the curvature of the blade is located. Claim 22 was alleged to vague and indefinite due to the use of the word “acts”. This word has been replaced by the word “steps”.

Applicant believes that the amendments address all of the Examiner’s concerns, and requests that the rejection of Claims 19 and 21-25, and claims depending therefrom, under 35 U.S.C §112, second paragraph should be withdrawn.

Rejection of Claims 19 and 21 Under 35 U.S.C. § 102(b)

Claims 19 and dependent Claim 21 stand rejected under 35 U.S.C. § 102(b) as being

allegedly being anticipated by Cain (U.S. Patent No. 6,012,165). The rejection is traversed as applied to amended Claims 19 and 21 on the ground that the cited reference fails to teach each and every limitation of the rejected claims.

To anticipate a claim under 35 U.S.C. § 102(b), a reference must teach every element of the rejected claim (MPEP § 2131). According to the Examiner, Cain teaches a thimble and a curved blade as recited in the claims. Claim 19 as amended includes a clip attached to the thimble. Cain does not teach or suggest such a clip, and hence, Cain does not anticipate the claimed subject matter.

Accordingly, since the cited reference fails to teach each and every limitation of the pending rejected amended claims, Applicant requests that the rejection of Claims 19 and 21 under 35 U.S.C. § 102(b) be withdrawn.

Newly added claims 34-37 involve a tool comprising a thimble, including a blade and means for crimping a split shot attached thereto. The cited art neither teaches nor suggests such a combination.

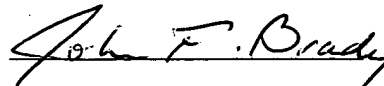
Conclusion

Applicant appreciates the remarks of the Examiner that Claims 22-25 would be allowable if amended to overcome the rejections under 35 U.S.C §112, second paragraph. Claims 23-25 and 27-35 ultimately depend from Claim 22 and should also therefore be allowable.

Applicant submits that Claims 19 and 21-37 as amended, or as newly added, satisfy all of the statutory requirements for patentability and are in condition for allowance. An early notification of the same is kindly solicited.

Respectfully submitted,
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